



LIQUOR & TOBACCO ADVISORY BOARD
Tuesday, July 15, 2014
6:00 P.M. – City Council Chambers
Rockford City Hall, 425 East State Street

Minutes on Website: <http://rockfordil.gov/community-economic-development/construction-development-services/land-use-zoning/zoning-board-of-appeals.aspx>

Present:

LTAB Members: Aaron Magdziarz
Alicia Neubauer
Scott Sanders
Craig Sockwell

Absent: Dennis Olson
Dan Roszkowski

Staff: Todd Cagnoni – Director, Community & Economic Development Dept.
Scott Capovilla – Zoning and Land Use Administrator
Angela Hammer – City Attorney
Sandra Hawthorne - Administrative Assistant
Tim Morris - Fire Department
Kelly Nokes – Public Works
Lafakeria Vaughn – Assistant City Attorney
Officer Spencer Berke – Police Department

Others: Kathy Berg, Stenographer
Applicants and Interested Parties

Sandra Hawthorne explained the format of the meeting will follow the Boards Rules of Procedure generally outlined as:

The Chairman will call the address of the application.

- The Applicant or representative are to come forward and be sworn in.
- The Applicant or representative will present their request before the Board
- The Board will ask any questions they may have regarding this application.
- The Chairman will then ask if there are any Objectors or Interested Parties. Objectors or Interested Parties are to come forward at that time, be sworn in by the Chairman, and give their name and address to the Liquor & Tobacco Advisory Board secretary and the stenographer
- The Objector or Interested Party will present all their concerns, objections and questions to the Applicant regarding the application.
- The Board will ask any questions they may have of the Objector or Interested Party.

- The Applicant will have an opportunity to rebut the concerns/questions of the Objector or Interested Party
- No further discussion from the Objector or Interested Party will occur after the rebuttal of the Applicant.
- The Board will then discuss the application and a vote will be taken.

It was further explained to the public in attendance, applicants, objectors and interested parties that this meeting is not a final vote on any item. The date of the Codes & Regulations meeting was given as Monday, July 28th at 4:45 PM in Conference Room A of this building as the second vote on these items. The public in attendance, applicants, objectors and interested parties were instructed that they could contact the Zoning Office for any further information and the phone number was listed on the top of the agenda which was made available to all those in attendance. The City's web site for minutes of this meeting are listed on the agenda as well.

The meeting was called to order at 8:15 PM. A **MOTION** was made by Aaron Magdziarz to **APPROVE** the minutes of the June meeting as written. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote 3-0 with Dennis Olson and Dan Roszkowski absent and Scott Sanders abstaining.

014-LTAB-012

Applicant
Ward 04

6551 East Riverside Boulevard

Jill Marsili - Bar Scorchy, Inc. d/b/a Bar Scorchy

Sale of liquor by the drink with a tavern/bar in a C-2, Limited Commercial Zoning District

Laid Over from June meeting

Prior to the start of the meeting, the Applicant's Attorney, Robert Calgaro, requested this item be Laid Over to the August 19th meeting.

A **MOTION** was made by Aaron Magdziarz to **LAY OVER** the sale of liquor by the drink with a tavern/bar in the name of Jill Marsili – Bar Scorchy, Inc. d/b/a Bar Scorchy in a C-2, Limited Commercial Zoning District at 6551 East Riverside Boulevard. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0 with Dennis Olson and Dan Roszkowski absent.

014-LTAB-014

Applicant
Ward 07

3814 and 3816 Auburn Street

Aqueela Ahmed / d/b/a Auburn Tobacco Shop, Inc.

Sale of tobacco products in conjunction with a cigarette store in a C-2, Limited Commercial Zoning District

Laid Over from June Meeting

The subject property is located on the southwest corner of the Auburn Street and North Central Avenue intersection. Ms. Aqueela Ahmed, Applicant, was present. Attorney David Brown, representing the Applicant was also present. Ms. Ahmed reviewed her request for tobacco sales. Attorney Brown assisted Ms. Ahmed in her presentation.

Legal wished to point out there were 85 calls for service in 2 years and 4 citations for selling tobacco to minors. Attorney Brown stated the employees selling tobacco to minors have since been terminated. He asked if the police activity was for the entire strip mall or just for her stores. Attorney Hammer stated they were for the 3814 and 3815 Auburn Street. Attorney Brown responded that those calls could be for the entire strip mall. He further stated tobacco sales is a large portion of their business and they will not be

able to survive without approval of this request. They do not own the strip mall so landscaping is going to be a problem unless the owner is agreeable to landscape. He stated that entire corner is deprived of landscaping.

Mr. Magdziarz asked if Ms. Ahmed owned the property in the two years of reported police calls and Attorney Brown responded yes, she purchased the property 2 years ago.

Staff Recommendation is for Denial. One Objector was present.

Alderman Ann Thompson-Kelly spoke in Objection. She stated the majority of the police calls were for this tobacco store. She stated she has gone to this business repeatedly to request they clean up the store, stop the loitering, improve the store, and repeatedly spoke with Ms. Ahmed's two sons. She stated the sons have sent their mother up to speak at this meeting on this item instead of coming themselves. She stated her group has offered to meet with them to help them reach their goals. Within one day, they were caught selling to a minor and they also sold single cigarettes to a police officer. They have been operating without a license and the reason they gave legal is "they forgot" to get a license. She stated the type of business they are operating and their attitude does not allow her to support a business that knowingly continues to ignore the law in spite of the fact that we have offered to work with them.

In response, Attorney Brown stated he is relatively new with working with Ms. Ahmed but he knows if they were granted a license they will comply with the law. He again stated if they cannot sell tobacco they will more than likely have to close down the business.

A **MOTION** was made by Craig Sockwell to **DENY** the sale of tobacco products in conjunction with a cigarette store in the name of Aqueela Ahmed d/b/a Auburn Tobacco Shop in a C-2, Limited Commercial Zoning District at 3814 and 3816 Auburn Street. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 4-0.

014-LTAB-015

Applicant
Ward 11

2233 Kishwaukee Street and 22XX Starr Street

Rao Ahmed for MS Gasoline Inc. d/b/a Kishwaukee Citgo

Sale of packaged liquor in conjunction with a gas station and convenience store in an I-1, Light Industrial Zoning District and I-2 General Industrial Zoning District
Laid Over from June Meeting

A request was received by the Applicant to Lay Over this item to the August 19th meeting.

A **MOTION** was made by Aaron Magdziarz to **LAY OVER** the sale of packaged liquor in conjunction with a gas station and convenience store in the name of Rao Ahmed for MS Gasoline Inc. d/b/a Kishwaukee Citgo in an I-1, Light Industrial Zoning District and I-2 General Industrial Zoning District at 2233 Kishwaukee Street and 22XX Starr Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0.

014-LTAB-016

Applicant
Ward 10

929 S. Alpine Road Suite 102

Lilly Cimino & Sandra Kokas / Sali's Place Inc. d/b/a Sali's Place

Sale of beer and wine by the drink with a bar and a video gaming facility in a C-2, Limited Commercial Zoning District

The subject property is located on the north side of Dempster Avenue, between Kenmore Road and South Alpine Road. Lilly Cimino and Sandra Kokas were present as Applicants. Ms. Cimino presented her request for beer and wine sales. She stated their establishment will offer coffee, appetizers, beer and wine only. She stated they both currently work in the strip mall so they can keep an eye on the establishment. Signage will be in accordance with what other tenants have now. Ms. Cimino states she has extensive experience in the food business. Ms. Kokas stated they have done their homework prior to committing to this venture and are not entering into this business lightly. She stated seniors do not want to go into a bar and would prefer a place to relax, have a cup of coffee and play some slot machines.

Legal read the conditions to the applicants and asked them if they were agreeable. Ms. Cimino stated they would agree to abide by the 13 conditions.

Mr. Sockwell asked if they had additional space because it did not appear they have space for a kitchen. Ms. Cimino stated they have over 2000 sq. feet and will not be serving a full meal.

Staff Recommendation is for Approval with the following suggested (13) conditions.

1. Meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor and Tobacco Codes.
3. Submittal of Building Permit for Staff review and approval.
4. The sale of beer and wine shall be limited to the interior site plan that was submitted Exhibit F.
5. The hours of operation will be limited to 9:00 AM to Midnight Monday through Thursday.
6. The hours of operation will be limited to 9:00 AM to 2:00 AM Friday through Saturday.
7. The hours of operation will be limited to 9:00 AM to Midnight Sunday
8. Window display signage is limited to 35% of window area.
9. The bar and video gaming facility shall not have a cover charge.
10. The bar and video gaming facility shall not have a dance floor.
11. The bar and video gaming facility shall not have any DJs.
12. The bar and video gaming facility shall not have any live entertainment.
13. The bar and video gaming facility shall no operate as a nightclub.

No Objectors or Interested Parties were present.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the sale of beer and wine by the drink with a bar and a video gaming facility in the name of Lilly Cimino and Sandra Kokas / Sali's Place, Inc. d/b/a Sali's Place, in a C-2, Limited Commercial Zoning District at 929 S. Alpine Road Suite 102. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 3-1 with Alicia Neubauer voting Nay.

Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor and Tobacco Codes.
3. Submittal of Building Permit for Staff review and approval.
4. The sale of beer and wine shall be limited to the interior site plan that was submitted Exhibit F.
5. The hours of operation will be limited to 9:00 A.M. to Midnight Monday through Thursday.
6. The hours of operation will be limited to 9:00 A.M. to 2:00 A.M. Friday through Saturday.
7. The hours of operation will be limited to 9:00 A.M. to Midnight Sunday.
8. Window display signage is limited to 35% of window area.
9. The bar and video gaming facility shall not have a cover charge.
10. The bar and video gaming facility shall not have a dance floor.
11. The bar and video gaming facility shall not have any DJs.
12. The bar and video gaming facility shall not have any live entertainment.
13. The bar and video gaming facility shall not operate as a nightclub.

014-LTAB-017

Applicant

Ward 10

5410 and 5456 East State Street

Drinc, Inc., 4 Bar Restaurant d/b/a Drinc, Inc.

Sale of liquor by the drink in conjunction with a restaurant/bar and grill and video gaming facility with an outdoor seating area in a C-2, Limited Commercial Zoning District.

The applicant has requested this item be Laid Over to the August 19th meeting.

A **MOTION** was made by Aaron Magdziarz to **LAY OVER** the sale of liquor by the drink in conjunction with a restaurant/bar and grill and video gaming facility with an outdoor seating area in the name of Drinc.

Inc. , 4 Bar Restaurant d/b/a Drink, Inc. in a C-2, Limited Commercial Zoning District at 5410 and 5456 East State Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0.

014-LTAB-018

Applicant
Ward 12

3207 North Main Street

Whiskey's Roadhouse, Inc. d/b/a Whiskeys Roadhouse Bar & Grill
Sale of liquor by the drink in conjunction with a bar and grill with an outdoor seating area in a C-2, Limited Commercial Zoning District

The subject property is located on the east side of North Main Street and 575 feet north of Country Club Beach. Attorney Robert Calgaro, Jill Bosselman, Kristie Frye were present. Attorney Calgaro reviewed the request. He stated this application is to change the business plan to withdraw the outdoor beer garden and are request live music indoors only. He stated they have been doing live music there for the past 3 years. They have two security personal on site whenever they have live music events. Regarding the police reports, Mr. Calgaro stated 90 calls in 5 years – he does not feel there is enough information for this body to make an intelligent decision because it cannot be compared to other bar police reports. He stated in the last 6 months only one complaint has been about loud music. He stated he did not see any evidence in the past six months that these police calls are any worse than any other establishment. He reviewed the cost of taxes, gaming revenue, license renewal etc. as tax funds for the community. He stated they are an exemplary business.

City Attorney Angela Hammer clarified that there were over 90 service calls in a two year period, not a five year period as stated by Attorney Calgaro.

Mr. Sanders stated this is a confusing application. He asked about the operation of a night club. Attorney Hammer stated the Applicants have been having live entertainment and an outdoor seating area which was not approved. Mr. Capovilla stated Staff had spoken with John Beck, the Alderman of the Ward, and he did not really have a problem with the live music portion of this application. The concern was the outdoor beer garden.

Mr. Cagnoni clarified the application was submitted to Staff with a request for the beer garden with live entertainment. Staff report reflects more on the beer garden request. He stated it is important to recognize that when the original approval was granted there was a concern and discussion held regarding live entertainment and a condition of no live entertainment was added at that time. One of the reasons this was added was to prevent the operation as a nightclub. He did not feel the Applicants had provided enough information for Staff to determine if they were wanting to operate as a bar with live music or as a night club.

Attorney Calgaro stated he was not certain there was a dance floor. Mr. Magdziarz asked if they were operating as a night club and Ms. Bosselman stated they are a restaurant with a bar. Mr. Cagnoni stated in defining a nightclub, one of the components is having a dance floor or open area greater than 150 sq. ft. The site plan submitted by the Applicants did not show any tables or chairs.

Staff Recommendation is for Denial. Objectors or Interested Parties were present. One letter of objection was received on behalf of Mr. & Mrs. Voulgaris who were also present.

Objectors

Adolf Wacker, 3209 N. Main is the proprietor of Rockford Skate Company, adjacent to the Applicant's property. Mr. Wacker stated the applicant's business has had pole dancing in the rear of the building which faces his front door. The have had "X rated comedians" outside facing his apartment. He stated they have designated Thursday night as biker night and motorcycles take up the entire parking lot. There is noise from the bikes and fighting. He stated 6 weeks ago the DJ was performing outside and called Mr. Wacker foul names because he would not let them use his parking lot. He stated they have clientele walking into the establishment getting out of cars wearing t-shirts and underwear. Mr. Wacker stated it is

one of the most disgusting places he has seen. North Main does not need this type of business with the development coming through. Parks & Recreation brings a lot of children in to the Skate club and at night is when families come in to Skate. Mr. Wacker stated a while ago the DJ had about 50 bikers rev their bikes up "on the count of 3" to show him how loud they could be. He stated most of the clients and music outside use the "F" word on a regular basis.

Jim Rodriguez, representing Sophia and John Voulgaris and 3211 North Main, spoke on behalf of his clients who were also present. Attorney Rodriguez stated the majority of their concerns relate to the outdoor activities. They still have concerns with parking. They have had issues in the past with patrons using their parking lot and would like to be certain that issue is addressed. Ms. Voulgaris stated over the last couple of years they have been partying every Thursday night, using foul language, and selling souvenirs and t-shirts. She stated if the music were contained inside the building they have no problem; however patrons using their parking area is still a concern. Attorney Rodriguez stated with IDOT coming through to widen N. Main there may be a possibility of additional parking being lost. Mr. & Mrs. Voulgaris are losing tenants due to problems at the Applicant's bar. Mr. Voulgaris stated out of 7 units they only have 2 and the tenants have told them they have moved because of problems at Whiskey's. Mr. Voulgaris stated he spoke to the owners of the Whiskeys and asked them to stop and they did exactly the opposite. He will not let them park in his space any longer. If they continue to do "business as usual" this is not good for the homeowners and business owners. Attorney Rodriguez stated the Voulgaris' business is equally important and would like to see them protected as well.

Supporters

The following employees, band members and/or patrons spoke in support.

Kim MacCloskey, 12999 Tallackson Road, Durand, IL stated his band has played there dozens of times and he is also a patron of the establishment. He feels they have a reputation of top bands in the area which attract young people. He stated he has not seen any problems when he has been there.

Elizabeth Blakley, 740 Halsted, Apt 1 stated she lives about 100 feet away and has never seen any problem. She has seen children from the skate club fighting in the parking lot.

Joan Turley, and Ed Spotts Jr., 1947 Wichita, Ms. Turley is an employee of Whiskey's Roadhouse for over 3 years. She stated they wear panty hose covered by fishnets and chaps and has never seen people coming into the building wearing only underwear and tank top. Mr. Spotts asked that the live music be reinstated.

James Arbigo, 609 Atwood stated he has seen less than 5 incidents for fighting or problems. He felt musicians need the opportunity to start locally and Whiskey's offers this.

Bob Nordvall, 15657 IL Rt. 76, Poplar Grove, IL, stated he rides his bike to Whiskey's. He is supportive of the establishments efforts to work with Children.

Jennifer Hillistad, 2318 Logan Street felt Whiskey's is the best thing that happened in their neighborhood. And is the only bar she feels she can go by herself and feel safe. She added that all they have left in the area of businesses is Whiskeys to go to that is safe and fun.

Renee McKnight, 8982 Mariner Dr. Machesney Park stated her daughter works there and Ms. McKnight is offended with the description people are giving regarding the way employees dress. She stated in the 5 years she has been going there she has never seen a fight. Ms. McKnight also added that the reason she bought her particular bike was because it was so loud.

Jacqueline Brown, 706 North Court, spoke in support stating she feels comfortable and safe at Whiskeys.

Jessica Lighthart, 224 North Avon, Apt. 2 spoke in favor as an employee. She stated they raised enough money for cancer treatment for an individual who could not afford the cost. Ms. Lighthart clarified that if a patron is intoxicated they will call a cab to drive them home. She has brought her 84 year old grandmother into Whiskeys.

Patrick Deinhammer, 202 Sanctuary Place, stated they support Toys for Tots for the past few years and have fundraisers on a regular basis.

Jennifer Connelly, 10039 Bitterroot Rd. Roscoe, stated three teenage boys from the Skate Company have broken her car windows. She added that she has seen some fights at Whiskeys but when they start they are instantly taken care of.

Joshua Peterson, 3447 Robey Avenue, employee, stated the only problems they have had are watching the kids in the parking lot.

In response, Attorney Calgaro stated the application is for inside music only. He stated bike nights are no longer being held because they are no longer allowed to do this. He stated with people sharing entrances there will always be problems but they are making efforts to prevent parking in areas where their customers are not allowed.

The Board questioned if they were able to allow a modification for live indoor music when it is not part of the application. Mr. Cagnoni stated the Board could vote on this item. Regarding the 4 parking spaces adjacent to North Main, they would not be there during IDOT taking, but they are not required. They do have parking east of the building.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the sale of liquor by the drink in conjunction with a bar and grill "to amend existing conditions of approval, conditions on their license and to amend to allow indoor live music per the business plan in the name of Jill L. Bosselman, d/b/a Whiskey's Roadhouse in a C-2, Limited Commercial Zoning District at 3207 North Main Street. The Motion was **SECONDED** by Alicia Neubauer and **CARRIED** by a vote of 4-0.

014-LTAB-019

Applicant
Ward 03

408 and 410 East State Street

Anne & Joe D'Astice for Woodfire Brick Oven Pizza, LLC d/b/a Woodfire
Sale of liquor by the drink and sale of packaged liquor in conjunction with a restaurant with an outdoor seating area in a C-4, Urban Mixed-Use Zoning District

The subject property is located on the north side of East State Street, 44 feet east of the North 1st Street and East State Street intersection. Joseph D'Astice, Applicant, reviewed his request for sale of liquor by the drink and package. This will be an 80 seat full service restaurant with bar, with outdoor seating. Mr. D'Astice stated he wished to modify his site plan to include outdoor seating in the front in addition to the outdoor seating in the rear on original application. He is also asking to modify the business hours from what was submitted on the business plan submitted to: Monday thru Saturday, 8:00 AM to 2:00 AM and Sunday from 9:00 AM to Midnight. He stated he was not certain he would be open for those full hours at the start, but would like to have the option to extend hours in the future. Mr. D'Astice asked about obtaining a catering license and Attorney Hammer stated he would need to reapply for the liquor portion of this process.

Staff Recommendation is for Approval with the following recommended (15) conditions.

1. Meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor Codes.
3. Submittal of Building Permit for Staff review and approval.
4. The sale of beer and wine shall be limited to submitted Exhibits D and E.

5. As submitted within Exhibit H, the sale of packaged liquor shall consist only of wine by the bottle or case to customers of the restaurant.
6. The hours of operation will be limited to 11:00 A.M. to 10:00 P.M. Monday through Thursday.
7. The hours of operation will be limited to 11:00 A.M. to Midnight Friday through Saturday.
8. The hours of operation will be limited to 11:00 A.M. to 10:00 P.M. Sunday.
9. Window display signage is limited to 35% of window area.
10. The restaurant shall not have a cover charge.
11. The restaurant shall not have a dance floor.
12. The restaurant shall not have any DJs.
13. The restaurant shall not operate as a nightclub.
14. As presented within the applicant's proposal, the proposed use and facility is prohibited from having any video gaming machines.
15. That the outdoor patio is reviewed and approved by Public Works and Community and Economic Development Departments for conformance with all Ordinances prior to establishment of use.

No Objectors or Interested Parties were present.

Mr. Cagnoni stated he received a call from the Alderman of the Ward, Tom McNamara asking him to relay his support for this project. Mr. Cagnoni further explained that condition 15 would cover the sidewalk café / patio as well.

The Board was in agreement to extend the hours of operation as requested.

A **MOTION** was made by Craig Sockwell to **APPROVE** the sale of liquor by the drink and sale of packaged liquor in conjunction with a restaurant with an outdoor seating area in the name of Anne & Joe D'Astice for Woodfire Brick Oven Pizza, LLC d/b/a Woodfire in a C-4, Urban Mixed-Use Zoning District at 408 and 410 East State Street with modification of conditions 6, 7, and 8. The Motion was **SECONDED** by Aaron Magdziarz and **CARRIED** by a vote of 4-0.

Approval is subject to the following conditions:

1. Meet all applicable Building and Fire Codes.
2. Compliance with all City of Rockford Liquor Codes.
3. Submittal of Building Permit for Staff review and approval.
4. The sale of beer and wine shall be limited to submitted Exhibits D and E.
5. As submitted within Exhibit H, the sale of packaged liquor shall consist only of wine by the bottle or case to customers of the restaurant.
6. The hours of operation will be limited to 8:00 A.M. to 2:00 A.M. Monday through Thursday.
7. The hours of operation will be limited to 8:00 A.M. to 2:00 A.M. Friday through Saturday.
8. The hours of operation will be limited to 9:00 A.M. to 12:00 Midnight Sunday.
9. Window display signage is limited to 35% of window area.
10. The restaurant shall not have a cover charge.
11. The restaurant shall not have a dance floor.
12. The restaurant shall not have any DJs.
13. The restaurant shall not operate as a nightclub.
14. As presented within the applicant's proposal, the proposed use and facility is prohibited from having any video gaming machines.
15. That the outdoor patio is reviewed and approved by Public Works and Community and Economic Development Departments for conformance with all Ordinances prior to establishment of use.

014-LTAB-020

Applicant
Ward 02

2320 Charles Street

Philip & Benny Salamone of Twins75 II, Inc. d/b/a Caesars Place Coffee and Slots

Sale of beer and wine by the drink in conjunction with a coffee house and video gaming facility with an outdoor seating area in a C-3, General Commercial Zoning District

The subject property is located on the northwest corner of the Charles Street and St. Louis Avenue intersection. Mr. Salamone stated the previous use of this building was an old garage. Attorney Philip Nicolosi, Philip Salamone and Brianna Salamone were present. Attorney Nicolosi stated his clients are long standing restaurant owners and this is not Mr. Salamone's first time applying for a liquor license. They will have sandwiches, gourmet pastries, beer and wine, and coffee along with video gaming machines. Mr. Salamone stated they are putting a lot of emphasis on the coffee house aspect of the business. The Applicants estimate it will cost anywhere from \$150,000 to \$200,000 to make this old building a modernized one. He further stated there is no coffee shop in the area in comparison to what they plan to bring to this location.

Staff Recommendation is for Denial. Objectors or Interested Parties were present.

Chris Stutsman, 3529 Burlwood spoke in Objection of this request. He manages a company that sells video game machines. He installed the machines at the 2233 Charles Street, Slots of Fun, location. Mr. Stutsman stated this is the same business model that the Applicants are trying to portray 220 feet from his customers and less than 100 feet from the Navy Club. One of the success factors of gaming entertainment is that they are not stacked together on top of each other. Mr. Stutsman asked if the Applicants were not doing video gaming, would they still put that coffee shop there

Mark O'Donnell, Don Cuppini, tenant at 2233 Charles Street, Slots of Fun. Spoke in Objection. Mr. O'Donnell stated they also are concerned with the stacking factor of video gaming and liquor sales and the image that will be created for this neighborhood. He stated there are already 4 places with a liquor license within 600 feet. He and Mr. Cuppini stated they looked at the property the Applicants are proposing and are very concerned because of the neighborhood behind it and underground gas tanks on the property. Mr. O'Donnell stated that the Applicant's proposed establishment is roughly 200 feet from them. He stated if they wanted lease another open space in the strip mall they are now in, it would still be further away than the Applicant's proposed property. Mr. O'Donnell and Cuppini felt a coffee shop would not be a conflict; however the addition of liquor and video gaming machines would be.

In response, Mr. Nicolosi stated no property owners spoke at this meeting to oppose the Applicant's proposal. He further stated there is no limitation of 1,000 feet required. He feels it is a good use for the area. Mr. Salamone stated he has managed 3 different places and all of them succeeded.

Mr. Sanders stated it is not up to the Board to regulate competition to other businesses. He understands that the Board has also looked upon clustering liquor sales in one area. He felt it was not the Board's job to prevent competition to create profit for another business. Mr. Capovilla agreed that Staff Recommendation was partially based on too many of the same businesses in one area with liquor sales. He suggested if the Board wished to approve, a condition be added that it be developed based on the site plan submitted.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the sale of beer and wine by the drink in conjunction with a coffee house and video gaming facility with an outdoor seating area in the name of Philip and Benny Salamone of Twins 75II, Inc. d/b/a Caesars Place Coffee & Slots at 2320 Charles Street with added condition (1). The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 3-1 with Scott Sanders voting Nay.

Approval is subject to the following conditions.

1. To be in accordance with submitted site plan.

014-LTAB-021

Applicant
Ward 02

2324 Charles Street

Kenneth Berger, Navy Club of Rockford Ship #1 d/b/a Navy Club of Rockford Ship #1

Sale of liquor by the drink in conjunction with a private organization with an outdoor seating area in a C-3, General Commercial Zoning District

The subject property is located approximately 65 feet west of South Rockford Street, on the north side of Charles Street. Gordon Wilber, representing the Navy Club presented his application.

Legal asked if the applicant agreed to the time restriction for the outdoor seating area, to which Mr. Wilber responded yes.

Staff Recommendation is for Approval subject to the following recommended (4) conditions.

1. Must meet all applicable liquor codes.
2. Must meet all applicable building and fire codes.
3. The outdoor seating area may not be occupied after 10:00 P.M. on weekdays and midnight on weekends.
4. The outdoor liquor sale shall be limited to the area as shown on submitted plans.

No Objectors or Interested Parties were present.

A **MOTION** was made by Aaron Magdziarz to **APPROVE** the sale of liquor by the drink in conjunction with a private organization with an outdoor seating area in the name of Kenneth Berger, Navy Club of Rockford Ship #1 d/b/a Navy Club of Rockford Ship #1 in a C-3, General Commercial Zoning District at 2324 Charles Street. The Motion was **SECONDED** by Craig Sockwell and **CARRIED** by a vote of 4-0.

Approval is subject to the following conditions:

1. Must meet all applicable liquor codes.
2. Must meet all applicable building and fire codes.
3. The outdoor seating area may not be occupied after 10:00 P.M. on weekdays and midnight on weekends.
4. The outdoor liquor sale shall be limited to the area as shown on submitted plans.

With no further business to come before the Board, the meeting was adjourned at 10:27 PM

Respectfully submitted,
Sandra A. Hawthorne, Administrative Assistant
Liquor & Tobacco Advisory Board